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Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

STATE OF UTAH, ET AL.,

Plaintiffs,

vs.

DEB HAALAND,
in her official capacity as Secretary of the
United States Department of the Interior,

**THE UNITED STATES DEPARTMENT
OF THE INTERIOR,**

TRACY STONE-MANNING,
in her official capacity as Director of the
Bureau of Land Management,

BUREAU OF LAND MANAGEMENT,

Defendants.

No.: 2:24-cv-00172-DAO

**DEFENDANTS'
STATEMENT OF
POSITION DENYING
ARBITRARY AND
CAPRICIOUS ACTION**

Under DUCivR 7-4(b)(2)(B), Deb Haaland, the Secretary of the Interior, the United States Department of the Interior, Tracy Stone-Manning, Director of the Bureau of Land Management, and the United States Bureau of Land Management, (collectively, “Defendants”) respond to Plaintiffs’ Amended Complaint (ECF No. 35). Therein, Plaintiffs challenge the Bureau of Land Management’s October 22, 2022 Decision Record on the San Rafael Desert Travel Management Plan: Reconsideration of Routes as Required by the 2022 Settlement Agreement. Defendants deny that the aforementioned decision is arbitrary, capricious, or otherwise contrary to law. Consequently, Defendants deny that Plaintiffs have stated a claim for relief or that Plaintiffs are entitled to any relief whatsoever.

Defendants present the following affirmative defenses:

1. Plaintiffs fail to state a claim upon which relief may be granted.
2. Plaintiffs lack standing to bring some or all of their claims.
3. Plaintiffs have failed to properly establish subject matter jurisdiction.
4. Plaintiffs have failed to demonstrate that some or all of their claims are ripe for judicial review.
5. Plaintiffs bring their claim in an improper venue.
6. Plaintiffs’ claims are barred by sovereign immunity.

DATED this 17th day of October, 2024.

Respectfully submitted,

TODD KIM
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/s/Erik Van de Stouwe
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Attorney of Record for Defendant

Certificate of Service

On October 17, 2024, I submitted the foregoing Notice of Appearance with the clerk of court for the U.S. District Court, District of Utah, using the CM/ECF electronic case filing system. I hereby certify that I have served all parties electronically as authorized by FED R. CIV. P. 5(b)(2)(E).

/s/ Erik Van de Stouwe